

**STATE OF UTAH  
DIVISION OF DRINKING WATER  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**2004 DWSRF INTENDED USE PLAN**

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## **Section A: Drinking Water State Revolving Fund (DWSRF)**

### **A-1 Plan Introduction:**

The national Drinking Water State Revolving Fund (DWSRF) program established by the Safe Drinking Water Act (SDWA) Amendments of 1996, authorizes the U.S. Environmental Protection Agency (EPA) to award capitalization grants to States, which in turn may provide low-cost loans and other types of assistance to eligible public water systems to finance the costs of infrastructure projects needed to achieve or maintain compliance with SDWA requirements. States are also authorized to set-aside a portion of their capitalization grants to fund a range of activities including administration, technical assistance, source water protection, capacity development, and operator certification.

The Utah Legislature enacted Utah Code Annotated 19-4-101 et seq. establishing the Utah Safe Drinking Water Board. Utah Code Annotated 19-4-104 empowers the Board with rule making authority to meet the requirements of federal law governing drinking water. Utah code Annotated 19-1-105 establishes the Division of Drinking Water which is tasked with the responsibility to administer UCA 19-4-101 et seq. The Utah Drinking Water Board has promulgated rules for making loans incorporating the requirements of the federal Safe Drinking Water Act at Utah Administrative Code R309.705. Additionally, the Board is authorized by Utah Code Ann. 19-4-104(1)(a)(v) and 19-4-104(2) to promulgate rules for certification of operations and governing capacity development in compliance with Section 1419 and 1420 of the federal Safe Drinking Water Act.

The Utah Drinking Water Board, an eleven-member board appointed by the Governor, develops policies and procedures for program implementation and authorizes loans under the DWSRF. The Utah Department of Environmental Quality through the Division of Drinking Water directly administers the DWSRF program. The Division of Drinking Water's primary DWSRF activities include administering loans and managing and coordinating the fund.

The Division receives assistance and support from the Department of Environment Quality's Office of Support Services, the State Division of Finance, the State Attorney General's Office and the State Treasurer's Office. The salaries and benefits of the employees, as well as indirect costs based on direct salary costs, are charged to the DWSRF program. Employees charging time to the DWSRF program are covered by the State of Utah personnel benefits plan. The DWSRF program is charged a loan administration fee by the Division of Finance.

The DWSRF program requires the States to deposit to the loan fund an amount equal to at least 20 percent of the capitalization grant. Loan repayments made by assistance recipients return to the loan fund and provide a continuing source of financing.

The first year of funding was federal fiscal year 1997. The following table summarizes awards received by the Division of Drinking Water, the allocation between loan and set-aside funds and the required state 20% match.

Division of Drinking Water								
TABLE 1								
SUMMARY OF DWSRF GRANTS								
Federal		Award Allocation						State
Fiscal	Award	Total		Loan Fund		Set-Aside Funds		20%
Year	Date	Amount	%	Amount	%	Amount	%	Match
1997	February 9, 1998	\$ 12,558,800	100%	\$ 9,755,575	77.7%	\$ 2,803,225	22.3%	\$ 2,511,760
1998	September 20, 1999	7,121,300	100%	5,633,100	79.1%	1,488,200	20.9%	1,424,260
1999	May 1, 2000	7,463,800	100%	6,019,720	80.7%	1,444,080	19.3%	1,492,760
2000	August 21, 2000	7,757,000	100%	6,515,880	84.0%	1,241,120	16.0%	1,551,400
2001	September 7, 2001	7,789,100	100%	6,542,844	84.0%	1,246,256	16.0%	1,557,820
2002	July 20, 2002	8,052,500	100%	6,384,100	79.3%	1,668,400	20.7%	1,610,500
2003	August 11, 2003	8,004,100	100%	6,473,444	80.9%	1,530,656	19.1%	1,600,820
	Total	\$ 50,742,500	100%	\$ 40,851,219	80.5%	\$ 9,891,281	19.5%	\$ 10,148,500

The allotment between States is based on state needs surveys. The amount awarded to the State of Utah in each of the fund years was one percent, the minimum allocation. Utah has request and been awarded its annual allocation through federal fiscal year 2003.

The State Auditor in compliance with the provisions of the Single Audit Act audits Drinking Water accounts. Drinking Water accounts are also subject to review and audit by the Office of the Inspector General. DWSRF Funds are included in Utah's Comprehensive Annual Financial Report (CAFR), which uses the modified accrual bases of accounting. Because Funds are combined the Drinking Water assets, liabilities, and net assets are not identifiable in Utah's CAFR.

The State is required to submit an annual Intended Use Plan IUP to EPA as long as the Fund or set-aside accounts remain in operation.

The Division of Drinking Water under the direction of the Drinking Water Board (Board) administers the loan and set-aside programs.

DWSRF program and procedures that are not expected to change annually are described in the Operating Agreement.

## **A-2 Loan Program:**

The loan program funds low-cost loans and other types of assistance to publicly owned and

privately owned community water systems and non-profit non-transient water systems to finance the costs of infrastructure projects. States are responsible for developing a priority system that identifies how projects will be ranked for funding and a list of projects, in priority order, that are eligible for funding. A description of the criteria and the method used for distribution of loan funds is outlined in Utah Administrative Code R309-705 (see Section C).

Loans are made to entities for projects that meet the eligibility requirements of the ACT.

- Repayment must begin no later than one year after completion of the project.
- Loan repayment must be complete no later than 20 years after the completion of the project,. A disadvantaged community loan may have up to 30 years as long as the period of the loan does not exceed the expected design life of the project.
- A minimum of 15% of all dollars credited to the Loan Fund must provide loans to small systems, those that serve fewer than 10,000 persons.
- Up to 30% of federal grants can be used for principal forgiveness for communities meeting the State's "Disadvantage" criteria. The Drinking Water Board has defined Disadvantaged Communities as those communities located in an area which has a median adjusted gross income which is less than or equal to 80% of the State's median adjusted gross income, as determined by the Utah State Tax Commission from federal individual income tax returns excluding zero exemption returns or where the established annual cost of drinking water service to the average residential user exceeds 1.75% of the median adjusted gross income.

Hardship fees assessments:

The Drinking Water Board has the option to change a hardship grant assessment in lieu of interest. Hardship assessments fees are calculated and paid in the same manner as interest. The USEPA DWSRF program places restrictions on the use of hardship fees and interest. Hardship fees have fewer restrictions than interest.

Technical assistance fee.

The Drinking Water Board will establish a fund into which the proceeds of an annual fee on loans will be placed. These funds will be used to finance technical assistance for eligible water systems. This fee will be part of the "effective rate" calculated for the loan using Table 2, R309-705-6. This fee will not be charged in addition to said effective rate. After the effective rate has been calculated for the loan using Table 2, the technical assistance fee will be subtracted from it. The difference will be assessed as the interest or hardship grant rate (see R309-705-4 (d)).

Federal rules section 1452 allows the state to assess interest and/or other fees on loans authorized to eligible water systems. Currently, the funds in the Hardship Grant Fund are only authorized for providing grants to water systems through the State SRF Loan Program. The Utah Drinking Water Board has authorized by Rule the establishment of a fund (or account) into which the proceeds of an annual fee on loans may be placed. These funds will be used to finance technical assistance for eligible water systems.

Utah Rule R309-705 establishes an "SRF Technical Assistance Fund" defined as

follows: “SRF Technical Assistance Fund” means a fund (or account) that will be established for the express purpose of providing “Technical Assistance” to eligible drinking water systems.

When established, this fund will provide low interest loans for technical assistance and any other eligible purpose as defined by Section 1452 of the Safe Drinking Water Act (SDWA) Amendments of 1996 to water systems that are eligible for Federal SRF loans. Repayment of these loans may be waived in whole or in part (grant funds) by the Board whether or not the borrower is disadvantaged.

The Rule allows the Board to do the following:

1. The Board may establish a fee to be assessed against loans authorized under the Federal SRF Loan Program. The revenue generated by this fee will be placed in a new fund called the "SRF Technical Assistance Fund".
2. The amount will be assessed as a percentage of the Principal Balance of the loan on an annual basis, the same as the annual interest and hardship grant assessment are assessed. The borrower will pay the fee annually when paying the principal and interest or hardship grant assessments
3. The Board may set/change the amount of the fee from time to time as they determine meets the needs of the program.
4. This fee will be part of the "effective rate" calculated for the loan using. This fee will not be charged in addition to said effective rate. After the effective rate has been calculated for the loan using Table 2, the technical assistance fee will be subtracted from it. The difference will be assessed as the hardship grant assessment or interest rate.
5. The proceeds of the fund will be used as defined above or as modified by the Board in compliance with Section 1452 of the SDWA Amendments of 1996.

State fund Drinking Water Loan Program:

The Division of Drinking Water also operates a State funded Drinking Water Assistance Program. The State program provides Utah the flexibility to put together loan packages without the restrictions that accompany the DWSRF program. The required State 20% match for the DWSRF program is generated from the State loan program.

## **A – 2 Set-Asides:**

In addition to loan assistance to eligible public water systems, the DWSRF program also emphasizes the prevention of drinking water contamination by allowing States to reserve a portion of their grant to fund activities that encourage enhanced water system management and source water protection. The funded activities are referred to as set-aside funds. Set-aside activities include:

- Up to four percent of the allotment to administer the Drinking Water SRF and provide technical assistance to public water systems;
- Up to two percent of its allotment to provide technical assistance to small public water systems;
- Up to ten percent of its allotment for state program management activities, including administration of the State Public Water System Supervision Program, administration

of the source water protection program, development and implementation of the capacity development and operator certification programs. This set-aside requires a dollar-for-dollar match provided from general funds appropriated to the Division of Drinking Water.

- Up to 15 percent of its capitalization grants to assist in the development and implementation of local drinking water protection initiatives and other State programs.

## **SECTION B - INTENDED USE PLAN:**

### **B-1 Summary, Financial Status and Goals:**

The State has agreed to prepare and Intended Use Plan (IUP) as long as the loan fund and/or set-aside funds remain in operation describing how the State will use all funds available to the capitalization grant, including funds that will be allocated to the set-asides. Specifically, the IUP describes how we plan to use available funds. Funds are received from, capitalization grants, state match, loan repayments, hardship and/or interest payments, interest earnings.

The State is applying for the 2004 DWSRF Federal Capitalization Grant in the amount of \$8,303,100. \$6,724,604 will be added to the loan fund and \$1,578,496 allocated to the set-aside program. The federally mandated 20% state match of \$1,660,620 funded from the Drinking Water State loan program.

#### **The Intended Use Plan (IUP) includes:**

- Specifies on how the Board proposes to use FFY 2004 DWSRF funds;
- A description of the goals of the DWSRF program;
- A list of projects eligible to receive DWSRF funding, which identifies those serving less than 10,000 people;
- Cost estimates for listed projects;
- An estimate of funds anticipated to be available for financial assistance;
- Criteria for selecting projects to receive financial assistance;
- Criteria for determining which communities qualify for hardship status;
- The project scoring and ranking system.

#### **Description of the Short and Long-Term Goals of the DWSRF Program:**

The DWSRF program will help ensure Utah's drinking water supplies remain safe and affordable, and drinking water systems be properly operated and maintained. The objectives of the DWSRF program include ensuring the public health, achieving compliance with SDWA, and assisting systems to provide affordable drinking water.

#### **Loan Fund Short-Term Goal:**

- To assist prospective borrows during facility planning and preparation of their project funding applications and authorize funding for these projects and assist during project construction.

#### Set-Aside Short-Term Goals:

- Continue funding for the Enhance PWSS program.
- Continue funding for the expand Operator Certification program
- Continue funding for the expand source protection program
- Continue funding for DWSRF administrative needs
- Educate and support water suppliers with their water protection (counter-terrorism) efforts.

#### Long-Term Goals For The Loan Funds and The Set-Aside Funds

- To provide a permanent source of funding which can be used in combination with financing from a community's own resources and other funding sources to assist in financing needed drinking water projects. The Federal SRF funds allocation, the State 20% match, repayments, interest payments and earnings on the invested cash balance provide funding.
- To evaluate and prioritize drinking water needs within the state to allow funds to be distributed in a priority manner
- To protect public health
- To help public water suppliers achieve and maintain compliance with federal and state drinking water standards.
- To enhance long term water system viability
- To assist public water suppliers to improve drinking water quality and dependability by providing SRF loans to applicants in greatest need.
- Educate and support water suppliers with their water protection (counter-terrorism) efforts. Drinking Water has an EPA grant for this purpose however, if additional funds are required State general funds and/or DWSRF set-aside funds might be used.

#### **Transfer and Cross-Collateralization of Funds Between the DWSRF and CWSRF:**

Section 302 of the SDWA authorizes the transfer up to 33 percent of the amount of a fiscal year's DWSRF program capitalization grant to the CWSRF program or an equivalent amount from the CWSRF program to the DWSRF program. There has been no transfer of funds and no transfers are anticipated.

#### **Withholding of Funds:**

EPA will withhold funds under the following provisions:

1. Unless the State has authority to ensure all new community water systems and new nontransient, noncommunity water systems commencing operation after October 1, 1999, demonstrate technical, managerial, and financial capacity with respect to each drinking water regulation in effect. Utah Code Annotated 19-4-104 empowers the Drinking Water with rule making authority to meet the requirements of federal law governing drinking water.
2. The State is not developing and implementing a strategy to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity.

3. The State has not adopted and is not implementing a program for certifying operators of community and nontransient, noncommunity public water systems. EPA's approval of the State's operator certification program has been received.

**Meaningful Public Review of the IUP:**

The IUP was published on the Drinking Water web site, [www.deq.state.ut.us](http://www.deq.state.ut.us). Notice of the posting and request for public comment was included on the Drinking Water Board August 8, 2003 meeting agenda, which is mailed to approximately 300 interested individuals and agencies asking for review and comments. In addition copies were mailed to the Governor's Office of Planning and Budget, the Utah League of Cities and Towns, and the Rural Water Association of Utah. Comment may be made in writing addressed to the Drinking Water Board at 150 North 1950 West, PO Box 144830, Salt Lake City, Utah 84114-4830 or in person at a regular scheduled Board meeting. The next regularly scheduled Board meeting is August 8, 2003.

**Financial status:**

Initial capitalization for the Utah DWSRF program was provided from the 1997 Federal Capitalization Grant and state matching dollars. For the seven years, 1997 through 2003, DWSRF capitalization grants totaled \$58,746,600. \$47,324,663 was added to the loan program and \$11,421,937 was used in the set-aside programs. The State 20% match for the five-year period of \$11,749,320 was added to the loan program. Through March 31, 2004 the Board has authorized 31 projects totaling \$54,662,246. Twenty-four project totaling \$43,172,246 have been closed (committed) and 7 projects totaling \$11,490,000 have be authorized by the Board but have not been closed (not committed). Revenue, disbursements and balances are shown in the financial statements. The DWSRF finance flow chart is included at Part C.

We are applying for \$8,303,100 the amount allocated to the State of Utah for FFY 2004. \$6,724,604 will be provided to the loan fund and \$1,578,496 to set-asides. The state 20% match of \$1,660,620 will also be added to the loan fund.



Table 2 FFY 2004 Capitalization Grant and State Match				
	Loan Program	Set-Asides	Total	
			Amount	Percent
Loan Fund	\$ 6,724,604	\$ -	\$ 6,724,604	80.99%
Set-asides				
Administration		332,124	332,124	4.00%
State Program Management :				
Program Augmentation		785,310	785,310	9.46%
Source Protection		25,000	25,000	0.30%
Capacity Development		0	0	
Operator Certification		20,000	20,000	0.24%
Total State Program Management		830,310	830,310	10.00%
Small System technical Assistance		166,062	166,062	2.00%
Local Assistance and Other State Programs		250,000	250,000	3.01%
Capitalization Grant Totals	6,724,604	1,578,496	8,303,100	100.00%
State 20% Match	1,660,620		1,660,620	20.00%
State Program Management 1 for 1 match		830,310	830,310	10.00%
Totals	\$ 8,385,224	\$ 2,408,806	\$ 10,794,030	

## **B-2 Loan program:**

Rule R309-705 establishes criteria for financial assistance to public drinking water systems in accordance with the federal Safe Drinking Water Act. A copy rule R309-705 is attached. The 2004 DWSRF capitalization grant along with carry forward funds, repayments, interest and hardship payment, and earned interest will help public water systems finance needed drinking water projects.

A short list of anticipated projects (at the top of the priority list) for funding are listed below Table 3. The complete priority list included as an attachment.

The first section are projects authorized by the Drinking Water Board but the loan has not been closed. EPA does not consider the loan as committed until the loan documents are signed. Section two is projects staff is working on to present to the Board for their consideration.

As conditions change, the Board may reassess project readiness, and delay funding to

those the Board considers “not ready to precede” rule R309-705-6.

Drinking Water State Revolving Fund				
Project Priority List (Partial Listing)				
As of April 30, 2004				
Table 3				
System Name	Pop.	ProjectTitle	Project Total	Funds Authorized
Authorized by the Drinking Water Board - Loan Papers Have Not Been Signed				
LOGAN CITY	45,065	Storage Tank & Distr Pipe	\$6,250,000	\$5,000,000
TIMBER LAKES SSD	1,900	Storage, Distribution	1,250,000	1,000,000
BILLY BETHERS	54	Source Redev, Treat., Stor., Distr	500,000	500,000
TWIN CREEKS SSD	54	Source Redev, Treat., Stor., Distr	700,000	450,000
OREM	84,000	Storage Tank	7,500,000	3,000,000
PLEASANT GROVE, Proj 2	23,600	Transmission Line	1,900,000	1,520,000
Authorized total but loan has not been closed				\$11,470,000
Active Applications - short list				
MAGNA WATER CO, DIST	27,000	Arsenic Removal	\$6,200,000	
UPPER WHITTEMORE	60	Chlorinator, Tank Deterioration, Dist,	170,000	
NEW PARIA	15	Deteriorated Storage Tank	145,000	
OAK HAVEN	150	Dist. Pipe & New Well	478,000	

**Description of Criteria and Method Used for Distribution of Loan Funds:**

The complete description of the criteria and method used for distribution of funds is outlined in Utah Administrative Code R309-705-6. As described in R309-705-6, the priority system assigns points to systems showing a deficiency in source, storage, treatment, and/or the distribution system. Points are assigned based on the relative risk of each deficiency, and are divided as applicable between health risk and compliance with SDWA. The applicant’s priority points are modified by financial factor, known as the Rate Factor and the AGI Factor. Their calculation is shown below:

Priority rating= (Average number of points received) X (Rate Factor) X (AGI Factor)

Where: Rate Factor = (Average System Water Bill / Average State Water Bill)

AGI Factor= (State Median AGI/ System Median AGI)

The priority points for demonstrated deficiencies are multiplied by the Rate Factor and AGI Factor to arrive at a final priority rating. This method addresses financial hardships caused in less affluent communities, and in those already experiencing higher water rates.

Upon arriving at a final priority rating for each applicant, each application is rated and

added to the priority list. The Board may, at its option, modify a project's priority rating based on the conditions described in R309-705.

The Board sets the effective interest and/or hardship and/or technical assistant rate. Buyer Index (RBBI) and may be reduced to a potential minimum of zero percent.

**Assistance for Disadvantaged Communities:**

Section 1452 (d) allows the state to provide additional loan subsidies to benefit communities meeting the State's definition of "disadvantaged" provided that for each fiscal year the total amount of loan subsidies may not exceed 30 percent of the amount of the capitalization grant for the year.

The Utah Drinking Water Board defines a Disadvantaged Communities as those communities located in an area which has a median adjusted gross income which is less than or equal to 80% of the State's median adjusted gross income, as determined by the Utah State Tax Commission from federal individual income tax returns excluding zero exemption returns.

The amount and type of financial assistance offered by the Board will be based upon the criteria shown in R309-750.6 (2). Disadvantaged communities may receive zero-percent loans, negative interest rate loans, or principal-forgiveness loans. Terms for each method of financial assistance shall be determined by Board resolution.

The Board has determined that up to 20% of DWSRF funds may be used for principal forgiveness to disadvantaged communities.

**Costs Incurred After Application and Prior to Execution of the Loan Agreement:**

Eligible project costs incurred after application to the Drinking Water Board and prior to execution of the loan agreement are eligible for reimbursement. Reimbursement will only be made after the loan closing.

**Municipal Bond Legal Fees:**

The Board may purchase bonds of the applicant only if the bonds are accompanied by a legal opinion of a recognized municipal bond counsel selected by the Drinking Water Board (R309-705-8 (2)). The loan recipient is responsible for the legal costs. Legal costs may be paid from the loan proceeds.

**Capacity Development Requirements:**

Eligible Systems. The Safe Drinking Water Act (SDWA) allows DWSRF assistance to publicly and privately owned community water systems and nonprofit non-community water systems other than systems owned by Federal agencies. Federal Regulations also set forth certain circumstances under which systems that will become community water systems upon completion of a project may be eligible for assistance. State Administrative Rule R309-705 "Financial Drinking Water Project Revolving Loan Program. (Effective January 1, 2004) establishes criteria for financial assistance to public drinking water system in accordance with a federal grant 42 U.S.C. 300j et seq., Federal Safe Drinking

Water Act. The SDWA requires that loan recipients must demonstrate the technical, financial and managerial capacity (TFM) to comply with the SDWA and not be in significant noncompliance with any requirement of a national primary drinking water standard or variance. The State will assess TFM and compliance in accordance with State Administrative Rules for Public Drinking Water Systems R309-352 Capacity Development Program after loan applications have been received. Those systems lacking in TFM or compliance may still be eligible for a loan if the loan will address the non-compliance or the system agrees to undertake feasible and appropriate changes in operations

### **Environmental Reviews and Categorical Exclusions:**

The State environmental review process (SERP) is described in the Operating Agreement.

The Grantee, the State of Utah, may elect to partition an environmental review or Cat Ex from environmental review. The procedures listed below will be followed by the State in order to evaluate if partitioning a Cat Ex from environmental review is appropriate.

#### **A. Authority:**

The authority for including these procedures in the Division's Intended Use Plan (IUP) and State Environmental Review Process (SERP) is contained in the Safe Drinking Water Act (SDWA) Amendments of 1996 (Pub. L. 104-182) and the guidance provided by the EPA Drinking Water State Revolving Fund Program Guidelines, document # 816-R-97-005 (February 1997). In particular, see Section IV. STATE/PROJECT LEVEL AUTHORITIES, Subsection B. Environmental Reviews.

#### **B. Procedures for Making Determination Cat Ex:**

1. If the Division has reason to believe that the project falls within one of the categories listed under paragraph "C" and thereby may qualify for a Cat Ex from environmental review, the State will make a preliminary survey of the proposed project site(s).
2. During this survey the State will evaluate whether or not the project meets the criteria for a Cat Ex from environmental review.
3. If the State determines the site qualifies for Cat Ex from environmental review, it will document the justification of this determination, including a listing of the dates of activities, which led to this determination, and a statement of relevant findings.
4. Even if the project qualifies for Cat Ex from environmental review according to the criteria listed under paragraph "C", the State may require an environmental review if the State determines that an environmental review is warranted or appropriate because of conditions found at the site or because the project is controversial.

#### **C . Criteria for Categorical Exclusion From Environmental Review:**

In order for a project to qualify for an environmental determination of Cat Ex from environmental review, the general location of the project should have been previously disturbed. Site conditions which will be evaluated in making this determination include a) how urbanized the location is, b) whether wildlife has previously been displaced, and c) whether the wildlife habitual has been previously destroyed or replaced. The project site shall meet at least one of the following criteria:

1. A proposed water line will be placed in a roadway(s) and/or rights-of-ways where existing pipes, telephone wires, cables, or other facilities have previously been installed.
2. A proposed tank site will be located on a site with other previously constructed utility facilities on a previously disturbed site.
3. The proposed facilities will be located at a site with other existing community infrastructure; e.g. a booster station, pump house, water treatment plant, or similar facility within a previously disturbed area and which will not extend into sensitive areas in the ground or adjacent to the previously disturbed area.

**D. Public Notice and Participation:**

The State will provide public notice when a Cat Ex is issued or rescinded. However, no formal public comment period need be provided prior to the Cat Ex becoming effective.

**B-3 SET-ASIDES:**

The state will not use set-aside funds for those projects or project-related costs that are eligible or explicitly ineligible for assistance from the Fund (loan funds) except the State may use set-aside funds for (1) project planning and design costs for small systems, and (2) for costs associated with restructuring a system as part of a capacity development strategy.

The state may use up to 10% of the funds allocated for State Program Management. The State Program Management set-aside requires a dollar for dollar match.. At least half of the match must be additional to the amount expended by the State for public water supervision in fiscal year 1993. The State is authorized to use the amount of State funds it expended on its PWSS program in fiscal year 1993 as a credit toward meeting its match requirement. The value of this credit can be up to but not greater than 50 percent of the amount of the match that is required.

The State will have no difficulty in meeting the required match for SFY 2004 and 2005.

Set-aside funding is used to:

- fund established programs
- fund continuing growth
- fund increasing operating costs
- to the extent set-aside funds are available assist in funding the additional staff needed to implement new federal rules regarding regulation of drinking water contaminants

Set-aside funds are used on first awarded first used bases. Unused funds are carried forward to the next fiscal year. Set-aside funds allocated from the Federal 2004 grant will be used in state fiscal years 2005 and after.

The intended use of set-aside funds:

- Maintain the staff (FTEs) hired with set-aside funds including benefits, costs allocated as a percent of personal services, and other related costs.
- Continue our contract with the Rural Water Association of Utah to implement

portions of the expanded operator certification and capacity development programs.

- Continue our contracts with the twelve local health departments to conduct sanitary surveys.

**Administration set-aside:**

FFY 2004 grant, we are requesting the \$332,124 the maximum (4% X \$8,303,100), in addition we are estimating a carry-forward to SFY 2005 of \$987,000.

The administration set-aside will fund three to four full-time equivalents (FTEs) position to operate the program SFY 2005. Funding salary, benefits, office space, equipment, travel, training and supplies for SFY 2005 will be \$260,000 to \$300,000. The administration set-aside does not require a state dollar for dollar match.

**State Programs set-aside:**

Funding is divided in to subcategories. The subcategories include PWS Supervision, Capacity Development, Operator Certification, and Source Protection. Budget requests, accounting and draws are by subcategories. We are requesting \$830,310 the maximum (10% x \$8,303,100) from the FFY 2004 grant allocated to the subcategories as listed on Table 2.

The State program set-aside requires a dollar for dollar state match. The dollar for dollar match requirement is separate and in addition to the 20 percent match added to the loan program. We are able to meet the required dollar for dollar match using the current year State general fund allotment and, if need, the credit allowed by section 1452 (g) (2) for fiscal year 1993 PWSS expenses.

**State programs subcategories intended use plan:**

**PWS Supervision:**

We are requesting \$785,310 from the 2004 grant, in addition we estimate a carry-forward of \$1,200,000. Expenditures for SFY 2005 are estimated at \$700,000.

PWS Supervision set-aside funds provides the necessary resources for the Division of Drinking Water to continue performing basic core functions such as sanitary surveys, plan reviews, compliance monitoring, groundwater source protection, and many other facets of public health protection. Growth impacts in the state combined with the adoption of the 1986 SDWA amendments and other State and Federal regulations created a tremendous workload. The PWS Supervision set-aside funds are used to help support the additional staff. Approximately fourteen (14) FTE, nearly half of the Drinking Water staff, are supported by the PWS Supervision set-aside.

PWS Supervision set-aside also funds:

1. In FY 2001 we contracted with the Rural Water Association of Utah for an additional two FTEs worth of work to do data input, and secretary type work to free up scientist and engineers from filing, data input, and other non-professional duties. Funds from the PWS Supervision set-aside are used to fund a portion of the contract employees cost
2. The State of Utah contracts with the twelve local health departments (LHD) to

conduct sanitary surveys. \$75,000 is funded from the PWS Supervision set-aside the balance is from state general funds.

3. In SFY 2004 we decided to discontinue development of our Triton Database, and use the Environmental Protection Agency's SDWIS-STATE data system to manage the Public Water System Supervision (PWSS) data. Payment of \$25,000 to USEPA was made from the PWS Supervision set-aside in SFY 2004. The cost of a Data Processing programmer will be funded by the PWS Supervision set-aside to assist with continued development and implementation of SWIS.
- 4...Our SFY 2005 budget will include \$50,000 for the purchase of an electronic filling system. The purchase request has been given to Management. Approval is pending.

#### **Capacity Development Program:**

We are requesting \$0 from the 2004 grant with an estimate carry-forward of \$115,000. The carry-forward balance of \$115,000 is sufficient to fund the needs for SFY 2005 and 2006.

The State of Utah has statutory authority (Section 19-4-104 of the Utah Safe Drinking Water Act) for a capacity development program. We will use one FTE, as needed, to oversee and maintain the program.

#### **Operator Certification Program – we are requesting \$20,000:**

The State has an Operator Certification program that has been mandatory since 1985. Prior to 1997 the program required community water systems serving more than 800 population and any public water systems treating surface water to have a certified operator. The statutory authority to reduce the threshold from 800 to 25 population was enacted by the 1997 Legislature. The new Safe Drinking Water Act requires all community and non-transient, non-community water systems and all public water systems that treat surface water to have a certified operator. As a result of lowering the mandatory threshold from 800 to 25, the number of water systems requiring certification in Utah triples. The most significant changes have been to the rules regarding 1) certified operators for systems serving a population less than 800, 2) operator's grade level, and 3) grandparent certification. These new guidelines were implemented by the State of Utah on February 1, 2001. Water systems will have until February 1, 2003 to comply with the new rule.

EPA published final Guidance (EPA-816-R-98-006) in July 1998. The Final guidance established national policy regarding the implementation of the operator certification related provisions of the SDWA including how EPA would assess State operator certification program for purposes of making withholding decisions. EPA has approved the State's operator certification program.

Fund for the Operator Certification program comes from three sources; fees, DWSRF set-aside, and the Operator Certification Training Grant. We are requesting \$20,000 from the 2004 grant with an estimate carry forward of \$80,000.

Approximately one half of one FTE will be charged to the DWSRF Operator Certification account. Requires a dollar for dollar match.

**Source Protection Administration:**

The SDWA Amendments of 1996 require states to develop and carry out a source water quality assessment program for all public water systems. Approximately 80% of the time of one FTE is dedicated to developing, implementing, and coordinating this program.

The request of \$25,000 and a carry-forward of \$75,000 should provide funding for the next two years. Requires a dollar for dollar match.

**Small Systems Technical Assistance:**

The Act allows up to a total of 2% of the allotment to provide technical assistance to public water systems serving 10,000 people or fewer (section 1452(g) (2)). Utah is applying for the full 2%. Funding, based on 2% of the federal fiscal year 2004 allotment of \$8,303,100 is \$166,062 with a carry forward of approximately \$225,000. Expenses for 2004 are estimated at \$175,000. All of the funds allocated to the Small System Technical Assistance set-aside are used to fund our contract with the Rural Water Association of Utah (RWAU).

The State uses the RWAU to assist the Division of Drinking Water to accomplish the following:

- Meet with county commissioners at their regularly scheduled meetings to provide information to commissioners regarding Capacity development and other Safe Drinking Water Act issues.
- Assist water systems with less than 10,000 population (defined by EPA as small systems) with financial, managerial, and technical issues. Assist systems in preparing management, conservation, financial, capital improvement, sampling and cross connection control plans. Assist in the regional water planning initiative. Train water system boards and councils. Conduct six onsite training sessions for system personnel. Perform tri-annual financial and management audits for targeted systems as identified.
- Provide one-on-one assistance in the field with water system personnel serving less than 3,300 population, who need computer training and help in trouble shooting computer problems. Develop, organize and implement small group computer training on “need-to-know” water related computer topics. Assist with understanding of consumer confidence reporting and how to develop the report. Assist water system personnel in learning and perfecting use of various pieces of software and database to improve water system operations.
- As resources are available and as requested by the Drinking Water Board, assist water systems that have borrowed funds from the Drinking Water Board.



The Small Systems Technical Assistance set-aside does not require a state dollar for dollar match.

**Local Assistance and Other State Programs:**

We are requesting \$250,000 from the 2004 grant with an estimated carry forward of \$20,000. This will fund time equal to two to two and one-half FTE for implementation of local drinking water protection initiatives (section 1452(k)).

The Local Assistance and Other State Programs set-aside does not require a state dollar for dollar match.

**C - ATTACHMENTS and WEB SITE REFERENCE**

Project Priority List (full list)

Attorney General Enabling Legislation Opinion Letter

Utah Administrative Code Rule R309-705 titled "Financial Assistance: Federal Drinking Water Project Revolving Loan Program" [http://drinkingwater.utah.gov/documents/rules\\_ddw\\_version](http://drinkingwater.utah.gov/documents/rules_ddw_version)



